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**CENTRAL FAX CENTER****JAN 22 2007**Attorney Docket No: 40160/07401  
Ref. No: NL 000571**REMARKS****I. INTRODUCTION**

Claims 1-9 have been cancelled. Claims 16 and 22 have been amended. Claims 23-31 have been added. Therefore, claims 10-31 are pending in the present application. The Examiner has indicated that claims 20 and 21 are allowable, and that claims 17-19 are objected to as dependent upon rejected claim 16, but would be allowable if rewritten in independent form. No new matter has been added. In view of the following remarks, it is respectfully submitted that all of the pending claims are allowable.

**II. CLAIM REJECTIONS - 35 U.S.C. § 112**

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner asserts that claims 1-9 fail to make clear their metes and bounds because it is unclear whether they recite any steps. (*See* 10/20/06 Office Action, pp. 3-4.)

Claims 1-9 have been cancelled. Applicant respectfully submits that new claims 23-31 recite substantially the same limitations, but do so in a manner that particularly points out and distinctly claims the subject matter of the invention. Therefore, Applicant respectfully submits that claims 23-31 are allowable under 35 U.S.C. § 112, second paragraph.

Claim 22 stands rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner asserts that claim 22 is indefinite because it is unclear

Attorney Docket No: 40160/07401  
Ref. No: NL 000571

whether the information mode recited in claim 22 is the same as the information mode in claim 20, from which claim 22 depends. (See 10/20/06 Office Action, p. 4.) In view of the amendment to claim 22, Applicant respectfully submits that it is clear that claims 20 and 22 refer to the same information mode.

### III. CLAIM REJECTIONS - 35 U.S.C. § 102(b)

Claims 1-2, 8-9 and 16 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,922,607 to Wysong ("Wysong"). (See 10/20/06 Office Action, pp. 4-5.) As previously stated, Applicant believes that new claims 23-31 recite the same limitations as cancelled claims 1-9. Therefore, Applicant will address the 35 U.S.C. § 102(b) rejection of claims 1-2 and 8-9 as if it also encompassed claims 23-34 and 30-31.

Claim 23 recites "[a] method for transmitting at least one of audio and video information" comprising "dividing the information into primary, secondary and tertiary programs; transmitting the primary and secondary programs in an alternating sequence; and transmitting the tertiary program parallel to the primary and secondary programs, *wherein the tertiary programs are transmitted expanded in time.*"

Wysong describes a system wherein a first subcarrier 15 transmits substantially continuous program material, such as background music, from a program source 17. (See Wysong, col. 4, ll. 3-7; Fig. 1.) Simultaneously, a second subcarrier transmits sequential program material 27 alternately with a tone coded address 26. (See Wysong, col. 4, ll. 7-25; Figs. 1-2.)

Wysong does not disclose a method "wherein the tertiary programs are transmitted expanded in time," as recited in claim 23. Therefore, it is respectfully submitted that claim 23 is allowable. Because claims 24-31 depend from, and, therefore, include all of the

Attorney Docket No: 40160/07401  
Ref. No: NL 000571

limitations of claim 23, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

Claim 16 recites “[a] receiver for audio and/or video information divided into primary, secondary, and tertiary programs, characterized in that it can receive and discriminate primary and secondary programs (P1, ..., C1, ...) transmitted in an alternating sequence and tertiary programs (C1\*, ...) transmitted parallel to the primary and secondary programs, *wherein the tertiary programs are transmitted expanded in time.*” For the reasons stated above in the discussion of claim 23, Applicant respectfully submits that Wysong does not disclose “wherein the tertiary programs are transmitted expanded in time,” as recited in claim 16. Because claims 17-19 depend from, and, therefore, include all of the limitations of claim 16, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

#### **IV. CLAIM REJECTIONS - 35 U.S.C. § 103(a)**

Claims 10-15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wysong. (See 10/20/06 Office Action, pp. 6-7.)

Claim 10 recites “[a] method of reproducing audio and/or video *information transmitted in parallel in a plurality of channels*, the information in each channel being divided into primary and secondary information, wherein the user can select one of the channels and the primary information of the selected channel is reproduced, the method including an “information mode”, which is *initiated each time the user has changed the selected channel* and which is terminated a given period of time after initiation, the secondary information being reproduced parallel to or instead of the primary information during the information mode.”

Wysong does not disclose or suggest “information transmitted in parallel in a plurality of channels... wherein the user can select one of the channels” or reproduction of

Attorney Docket No: 40160/07401

Ref. No: NL 000571

secondary information “initiated each time the user has changed the selected channel” as recited in claim 10, because the reproduction of secondary information in Wysong is triggered by “an address code toward specifically identified subscribers.” (Wysong, col. 1, ll. 64-65.) The Examiner asserts that “user intervention is notoriously well-known, commercially available, and widely used on a variety of equipment.” (See 10/20/06 Office Action, p. 6.) However, Wysong discusses automatically transmitting a set of commercial messages to “specifically identified subscribers” as a form of targeted advertising. Allowing the user to intervene to activate or deactivate such programming is contrary to the purpose of this type of advertising; therefore, in addition to not explicitly disclosing such user intervention, Wysong teaches away from allowing user intervention in this manner. Therefore, it is respectfully submitted that Wysong neither discloses nor suggests “information transmitted in parallel in a plurality of channels... wherein the user can select one of the channels” or reproduction of secondary information “initiated each time the user has changed the selected channel” as recited in claim 10. Because claims 11-15 depend from, and, therefore, include all of the limitations of claim 10, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

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Ref. No: NL 000571

**CONCLUSION**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

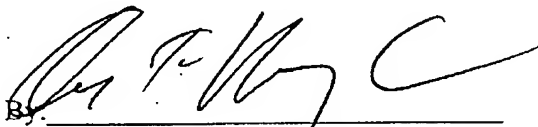
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Respectfully submitted,

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